

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FREDERICK P. SCHNEIDER,

Plaintiff,

v.

TOWN OF CAMPBELL, ANDREW J. GAVRILOS,
ADAM BREIDEL, MICHAEL VALENCIA,
COUNTY OF LA CROSSE, and
JORDAN SCHALLER,

Defendants.

ORDER

16-cv-208-jdp

Plaintiff Frederick P. Schneider has moved the court to reconsider its decision to dispose of Schneider's Fourteenth Amendment equal protection claim at summary judgment. Dkt. 86. Schneider now contends that the Town purposefully drafted Ordinance 9.12 to exclude a Days Inn sign near the Bainbridge Street pedestrian overpass, in violation of the Equal Protection Clause. Schneider argues that the Days Inn sign poses the same safety concerns that overpass signs purportedly do, which shows that the ordinance treats commercial speech differently than political speech.

But at summary judgment, Schneider argued that the Days Inn sign fell within the scope of the ordinance and that the Town declined to enforce the ordinance against it. That argument failed for several reasons, including that the sign is more than 100 feet from the overpass, and thus is not within the scope of the ordinance. Dkt. 85, at 9. Now Schneider argues that even if the sign is not within the scope of the ordinance, the Town purposefully drafted *around* that sign, so that commercial signs got preferential treatment over political signs. This argument is of dubious merit, but what matters is that Schneider did not make it at summary judgment. "Reconsideration is not an appropriate forum for rehashing previously

rejected arguments or arguing matters that could have been heard during the pendency of the previous motion.” *Caisse Nationale de Credit Agricole v. CBI Indus., Inc.*, 90 F.3d 1264, 1270 (7th Cir. 1996). For reasons already explained in the court’s order on summary judgment, Schneider has not shown that he “has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment.” *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (per curiam). The motion is denied.

ORDER

IT IS ORDERED that plaintiff Frederick P. Schneider’s motion for reconsideration, Dkt. 86, is DENIED.

Entered March 16, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge